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MAILED

JUL 28 2010

OFFICE OF PETITIONS

In re Application of :
Isobe, et al. : DECISION ON APPLICATION
Application No. 10/559,378 : FOR PATENT TERM ADJUSTMENT
Filing or 371(c) Date: December 6, 2005 :
Atty. Dkt. No: Q91735 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed March 3, 2010. This matter is being properly treated under 37 CFR 1.705(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

The Determination of Patent Term Adjustment under 35 USC 154(b) mailed December 3, 2009 indicated a patent term adjustment to date of 339 days. The instant application for patent term adjustment was timely filed in accordance with 37 CFR 1.705(b). Applicants herein dispute the adjustment of 428 days under 37 CFR 1.702(a)(1) and argue that the correct adjustment in this regard is 433 days.

A review of the record reveals that the application as filed contained a request for processing under 35 USC 371(f). A non-final Office action was mailed April 14, 2008, 14 months and 433 days after completion of the requirements of 35 USC 371(c).

In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 344 days (adjustment of 433 days less reduction of 89 days).

The \$200.00 patent term adjustment application fee required per 37 CFR 1.705(b)(1) has been charged to the authorized deposit account. See, also, 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Day : Monday
Date: 7/26/2010

PALM INTRANET

Time: 13:46:24

PTA Calculations for Application: 10/559378

Application Filing Date:	12/06/2005	PTO Delay (PTO):	428
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	89
Post-Issue Petitions:	0	Total PTA (days):	344
PTO Delay Adjustment:	5		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
65	07/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		428	
64	07/26/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	433		
55	12/03/2009	MAIL NOTICE OF ALLOWANCE			
54	11/28/2009	ISSUE REVISION COMPLETED			
53	11/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
52	11/28/2009	DOCUMENT VERIFICATION			
51	11/23/2009	NOTICE OF ALLOWABILITY			
50	10/13/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	10/13/2009	REFERENCE CAPTURE ON IDS			
47	10/13/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
46	10/16/2009	DATE FORWARDED TO EXAMINER			
45	10/13/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
44	10/16/2009	DISPOSAL FOR A RCE / CPA / R129			
43	10/13/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	10/13/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
41	08/27/2009	FINISHED INITIAL DATA CAPTURE			
40	08/10/2009	EXPORT TO INITIAL DATA CAPTURE			
39	08/06/2009	MAIL NOTICE OF ALLOWANCE			
38	08/05/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
37	08/05/2009	CASE DOCKETED TO EXAMINER IN GAU			
36	08/05/2009	ISSUE REVISION COMPLETED			
35	08/05/2009	DOCUMENT VERIFICATION			

34	08/03/2009	NOTICE OF ALLOWABILITY			
33	06/02/2009	DATE FORWARDED TO EXAMINER			
32	04/16/2009	RESPONSE AFTER NON-FINAL ACTION		89	30
31	04/16/2009	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	10/17/2008	MAIL NON-FINAL REJECTION			
29	10/15/2008	NON-FINAL REJECTION			
28	08/28/2008	PARALEGAL TD ACCEPTED			
27	07/14/2008	TERMINAL DISCLAIMER FILED		0	25
26	08/26/2008	DATE FORWARDED TO EXAMINER			
25	07/14/2008	RESPONSE AFTER NON-FINAL ACTION			
24	04/14/2008	MAIL NON-FINAL REJECTION	428		5
23	04/14/2008	NON-FINAL REJECTION			
19	05/04/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
17	02/05/2008	CASE DOCKETED TO EXAMINER IN GAU			
16	12/18/2007	CASE DOCKETED TO EXAMINER IN GAU			
13	10/04/2007	CASE DOCKETED TO EXAMINER IN GAU			
12	07/06/2006	CORRESPONDENCE ADDRESS CHANGE			
11	05/04/2006	REFERENCE CAPTURE ON IDS			
10.7	05/04/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	05/04/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	04/14/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
8	04/14/2006	CASE DOCKETED TO EXAMINER IN GAU			
5	12/11/2005	371 COMPLETION DATE			
4	04/07/2006	APPLICATION DISPATCHED FROM OIPE			
3	04/07/2006	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	12/25/2005	CLEARED BY OIPE CSR			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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